

Remarks

Claims 1-3 are pending in the subject application. By this Amendment, claims 1 and 3 have been amended.

Claims 1 and 3 have been amended to clarify that the anti-fuse is formed within the second insulating layer and remains in contact with the sides of the second via hole such that the third contact plug is formed within the anti-fuse and is not in direct contact with the sides of the second via hole of the second insulating layer. Support for this amendment can be found, at least, at Figures 5C and 5D. In addition, claims 1 and 3 have been amended to remove the limitation that the second insulating layer is formed "to cover the first metal wiring and the second contact plug." No new matter has been introduced by these amendments.

Upon entry of these amendments, claims 1-3 will be before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicant expresses his gratitude to the Examiner for providing comments on page 5 of the Office Action under the heading "Response to Argument."

Claims 1 and 3 are rejected under 35 USC §102(e) as being anticipated by Lehmann *et al.* (U.S. 2004/0217441). Applicant respectfully traverses because Lehmann *et al.* does not teach each and every limitation of the subject invention as claimed in claims 1 and 3.

In particular, Lehmann *et al.* does not teach that the first metal wiring is formed on the first insulating layer as specified by subject claims 1 and 3. Rather, Lehmann *et al.* discloses a first metal wiring formed in the first insulating layer by a damascene process. ("Common intermediate electrode 223 is located in a lower trench 206 defined in top surface 204 of lower insulation layer 203," Lehmann *et al.* at paragraph [0080]).

In addition, Lehmann *et al.* does not teach a second contact plug in the second insulating layer formed on the first insulating layer as specified by subject claim 1. Rather, Lehmann *et al.* discloses a second contact plug in the first insulating layer ("lower metal layer 205 . . . disposed in corresponding trenches 206 formed in top surface 204 of lower insulation layer 203," Lehmann *et al.* at paragraph [0078]).

Moreover, Lehmann *et al.* does not teach a third contact plug filling the second via hole and formed within the anti-fuse, wherein the third contact plug does not directly contact the second insulating layer as specified in subject claim 1 (see Lehmann *et al.* Figure 4).

Furthermore, Lehmann *et al.* does not teach successively depositing first and second metal layers on the second insulating layer including the second via holes and forming anti-fuses in the second via holes and third contact plugs within the anti-fuses by planarizing the first and second metal layers with the second insulating layer as specified by subject claim 3.

As Lehmann *et al.* does not teach the claimed formation position of the first metal wiring and second contact plug, the claimed third contact plug formed within the anti-fuse, and the claimed contacting connection of the second metal wiring to the anti-fuse and third contact plug, it does not teach each and every element of the subject invention. Therefore, it cannot anticipate. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. §102(e).

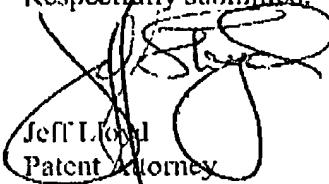
Claim 2 has been rejected under 35 U.S.C. §103(a) as obvious over Lehmann *et al.* in view of Knall *et al.* (U.S. 2002/0088998). Applicant respectfully traverses. The deficiencies of Lehmann *et al.* have been discussed above with respect to the rejection of claim 1, from which claim 2 depends. Knall *et al.* does not cure those defects. Knall *et al.* fails to provide any motivation to modify Lehmann *et al.* to include the capacitor element as claimed herein. Therefore, Applicant asserts that Lehmann *et al.* and Knall *et al.*, alone or in combination, cannot teach or suggest the subject invention of claim 2. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claim 2.

In view of the foregoing, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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